

**ORDINANCE NO. 11-31**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, AMENDING THE FUTURE LAND USE MAP FROM INDUSTRIAL AND OFFICE (MIAMI-DADE COUNTY DESIGNATION) TO INDUSTRIAL; **PROPERTY LOCATED WITHIN AN AREA NORTH OF NW 154 STREET; EAST OF NW 102 AVENUE, SOUTH OF NW 170 STREET AND WEST OF NW 97 AVENUE, HIALEAH, FLORIDA**, ZONED AU (AGRICULTURAL DISTRICT – MIAMI-DADE COUNTY DESIGNATION); REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Planning and Zoning Board on April 6, 2011, recommend the proposed small scale amendment to the Future Land Use Map of the Hialeah, Fla., Comprehensive Plan to the Hialeah City Council; and

**WHEREAS**, the application qualifies as small scale development pursuant to section 163.3187(1)(c), Florida Statutes;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The Future Land Use Map is hereby amended from Industrial and Office (Miami-Dade County Designation) to Industrial. Property located within an area north of NW 154 Street, east of NW 102 Avenue, south of NW 170 Street, and west of NW 97 Avenue, Hialeah, Miami-Dade, Florida, zoned AU (Agricultural District—Miami-Dade County Designation), and legally described as follows:

TRACT 5, LESS THE NORTH 100 FEET THEREOF, IN SECTION 17, TOWNSHIP 52 SOUTH, RANGE 40 EAST, OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

**Section 2: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3: Penalties.**

Any person, business, association, corporation, partnership or other legal entity who violates any of the provisions of this ordinance shall receive a civil penalty, up to a maximum of \$500.00, within the discretion of the court or administrative tribunal having jurisdiction. Each day that a violation continues shall constitute a separate violation.

**Section 4: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

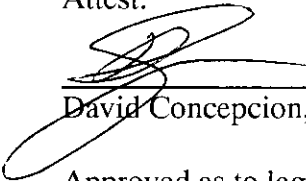
**Section 5: Effective Date.**

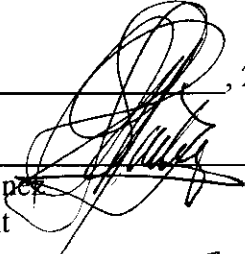
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. No development orders, development permits or land uses dependent on this amendment may be issued or commenced before it has become effective.

PASSED and ADOPTED this 31st day of May, 2011.

THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

Attest:

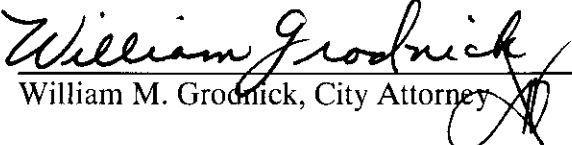
  
David Concepcion, Acting City Clerk

  
Isis Garcia-Martinez  
Council President

Approved on this 3 day of June, 2011.

  
Mayor Carlos Hernandez

Approved as to legal sufficiency and form:

  
William M. Grodnick, City Attorney